"Express Mail" Label No. EL 695 654 428 US Date of Deposit February 26, 2002

Attorney Docket No.: 019934-001710US Client Reference No.: T001710US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

**Assistant Commissioner for Patents** 

Washington, D.C. 20231

Box DAC

BEST AVAILABLE COPY

Rosemarie L. Celli

, 2002 8 S 837

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas J. Schall et al.

Application No.: 09/919,224

Filed: July 30, 2001

For: IMMUNOLOGIC ACTIVITIES OF RHESUS CYTOMEGALOVIRUS ENCODED IL-10 AND HUMAN CYTOMEGALOVIRUS ENCODED IL-10

Assistant Commissioner for Patents Washington, D.C. 20231

, admington, 2.0. 2025 i

Examiner: Unassigned

Art Unit: L

Unassigned

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97 and

§1.98

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. Also enclosed is a copy of the Search/Examination report corresponding to the PCT application. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Thomas J. Schall et al. Application No.: 09/919,224 Page 2

As provided for by 37 CFR 1.97(g) and (g), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no interference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

Applicant believes that <u>no fee is required</u> for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

BLUI AVAILABLE COPY

Respectfully submitted,

Rosemañe L. Cel Reg. No. 42,397

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8<sup>th</sup> Floor San Francisco, California 94111-3834

Tel: 650-326-2400 Fax: 650-326-2422

RLC:lah

PA 3199812 v1